

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)

v.)

JOSEPH DATELLO)

Case No. 7:17-cr-00089-CS-12

ORDER TO REDUCE TERM
OF IMPRISONMENT TO TIME SERVED

BEFORE THE COURT is a motion filed by the United States of America on behalf of the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Joseph Datello, to time served, and commencement of a three-year term of supervised release previously imposed. The Court finds:

1. On September 24, 2018, Mr. Datello pleaded guilty to one count of racketeering conspiracy, in violation of 18 U.S.C. § 1962(d).
2. On January 4, 2019, the Court sentenced Mr. Datello to 168 months of imprisonment followed by 3 years of supervised release.
3. Mr. Datello, age 71, is considered to be in a debilitated medical condition.
4. Title 18 of the United States Code, section 3582(c)(1)(A)(i), authorizes the Court, upon motion of the Director of the Federal Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Federal Bureau of Prisons contends, and this Court agrees, that Mr. Datello's debilitated medical condition constitutes extraordinary and compelling reasons warranting the requested reduction.

IT IS THEREFORE ORDERED that Mr. Datello's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that Mr. Datello shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, his release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, Mr. Datello shall begin serving the ~~three-year~~ term of supervised release, previously imposed.

*IT IS FURTHER ORDERED
that pursuant to 18 U.S.C. § 3582(c)(1)(A), Mr. Datello's term
of supervised release is extended by 112 months (equivalent to
the unserved portion of the original term of imprisonment) for a total
supervised release term of 172 months.*

DONE AND ORDERED THIS 9th DAY OF JANUARY 2023.

Cathy Seibel

HON. CATHY SEIBEL
UNITED STATES DISTRICT JUDGE